

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION FIELD OPERATIONS TRAINING MANUAL

Volume - II: Compliance

Chapter 3: Compliance Review Procedures and Guidelines for the Hazardous Materials Regulations

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1. REGISTRATION

- a. If applicable, determine whether the motor carrier/shipper has registered with the Research and Special Programs Administration (RSPA) in accordance with § 107.608. If a motor carrier/shipper cannot produce evidence of registration, but claims to be registered, a 10 working day period should be provided to the company to produce evidence of registration. Enforcement action must be initiated against a motor carrier/shipper that fails to produce evidence of registration within 30 working days. If the motor carrier/shipper is discovered to not be currently registered with the RSPA, inform a high-level company official that they must register immediately for each registration year in which they engaged in activities covered by the registration program. If the motor carrier/shipper submits complete and accurate proof of registration within 10 working days after closeout of the CR, enforcement action should not be initiated. If the motor carrier/shipper fails to register within the 10 working days, enforcement action should be initiated.

2. DRIVING AND PARKING

- a. Violations of the driving and parking rules of Part 397 usually occur away from the motor carrier's place of business. The review of these rules during a CR may involve actual observations at the motor carrier's terminal and loading or delivery facilities in the vicinity of the carrier's place of business. If

applicable and available, written route plans for Division 1.1, 1.2, and 1.3 (explosive) material and highway route controlled quantities of Class 7 (radioactive) material should be reviewed.

3. TRAINING

- a. Make note of all interviewed hazmat employees who are not familiar with the Hazardous Materials Regulations (HMRs) which are applicable to their responsibilities. This lack of knowledge is an indication of an ineffective training program for hazmat employees, and a violation of § 172.702(b) for shippers and cargo tank facilities, § 177.800(c) for motor carriers, and § 177.816 for drivers. Determine whether hazmat employees are trained and the related documentation (required by § 172.704(d)) is maintained. Review the description of the training materials used to meet the training requirements in § 172.704(a) or, if available, the actual training materials to verify whether all subject areas (required by § 172.704(a)) are covered by the training.

4. SHIPPING PAPERS

- a. Tour the company's facility and review the material safety data sheets to become familiar with all of the shipped and/or transported HM. Look for the presence of any vehicles designed to transport HM and the placards, if any, affixed to the vehicles. For CRs of motor carriers, review the carrier's profile and roadside inspection reports to discover previously unknown types of transported HM. If only pre-printed forms are used for shipping papers, disregard the sampling guidance in first and second subparagraphs below. Instead, determine whether there is an appropriate form for each proper shipping name of HM shipped and/or transported. Verify that the shipper and/or motor carrier has a sufficient system to ensure that these forms are used as complete and accurate shipping papers.
 - (1) One shipping paper, at a minimum, must be examined for each proper shipping name or class/division of HM offered or transported. Examine shipping papers from the previous 12 months for completeness, content, and accuracy. If substantial noncompliance is discovered from the minimum number of reviewed shipping papers, additional shipping papers should be examined to better determine the extent of noncompliance. Make comments and provide explanations in Part C of the CR report as appropriate.
 - (2) During the examination of shipping papers, determine whether proper segregation of HM is followed in accordance with § 177.848. Be cautious that the subsidiary hazard may be more restrictive than the primary hazard.

- (3) Keep in mind that manifests and bills reviewed in the motor carrier's office may not be the document used as the shipping paper during transportation. Motor carriers frequently maintain shipping pro's on their vehicles during HM transportation, and retain the original shipping document (and certification) in their files.
- (4) When performing a CR on a for-hire motor carrier of HM, document violations by HM shippers that provided improperly prepared shipping papers. Discuss the appropriate handling of these violations with the State Director.
- (5) If hazardous waste is being offered for transportation and/or being transported, review the company's compliance with the hazardous waste manifest requirements in § 172.205.

5. INCIDENT REPORTING

- a. Examine the reports and records related to recordable and nonrecordable accidents (which occurred during the previous 12 months) for the occurrence of HM incidents. Examine the over, short, and damaged (OS&D) records and cargo claim files (from the previous 12 months) for the occurrence of HM incidents. Examine the OSHA injury reports and workman's compensation claim records for injuries occurring from cargo handling (HM spills). Record all instances of an unintentional release of HM. If possible, tour the motor carrier's loading docks to identify damaged HM packages that would indicate spills. Review the incident reports from the previous 12 months. Determine compliance with the HM incident reporting requirements. The RSPA database may be checked to verify that an HM incident was reported by viewing HMIS incident reporting data at <http://safesum.fhwa.dot.gov>. Determine whether incident reports are being filed, and maintained for two years as required by § 171.16. Enforcement action should be initiated for failure to report an HM incident.

6. CARGO TANKS

- a. If the motor carrier uses cargo tanks in its operation, examine the manufacturer's certificates, ASME data sheets (if applicable), and inspection/test reports. Determine whether all required inspections and tests have been conducted. Review the inspection/test reports for completeness and to determine whether the tests were conducted in the required manner. Visually inspect cargo tanks for the required test/inspection markings and specification violations. An accident record may reveal damage to the integrity of a cargo tank, and a retest may have

been required. While reviewing maintenance records, note cargo tanks that were repaired, and determine whether the proper retesting was conducted and the related documentation is maintained. If the motor carrier conducts inspections, tests, repairs, or modifications of cargo tanks, determine whether it has registered with the U.S. Department of Transportation as required by 49 CFR Part 107 subpart F. A review of this cargo tank facility should be conducted by following the procedures in this Volume (Chapter 5). If the HM carrier uses the services of an independent cargo tank facility, document the discovered violations committed by this facility. Discuss the appropriate handling of these violations with the State Director.

7. MARKING AND PACKAGING

- a. Check the dock to determine the compliance of shipments in transit. The review activities should include:
 - (1) Inspection of packages if available. At a minimum, examine one package for each proper shipping name or class/division of HM offered or transported. Special attention should be given to materials listed in Table 1 of § 172.504.
 - (2) Inspecting HM shipments on the dock. Inspect for proper shipping papers (if available), packaging, marking, and labeling. Record package inspections using HM PIP Software. Ensure data is forwarded to appropriate personnel.
 - (3) Interviewing employees responsible for handling HM including the safety director, rate and billing clerks, dock workers, city pickup and over-the-road drivers, dispatchers, and any other persons engaged in HM activities. Interviews should include, but are not limited to: questions that determine the employee's knowledge of the HM regulations related to their job function; internal procedures for handling and preparing HM packages for transportation that may differ from published company policy and the HMR's; and whether the employee received appropriate training.
 - (4) Examining shipping papers given to local and over-the-road drivers as they arrive at the dock. This is a good opportunity to determine whether drivers and dock personnel are familiar with the HMRs. Verifying that emergency response information is available during transportation as required by § 172.600. Checking the shipping papers for the emergency response telephone number.
 - (5) Determining whether placards and markings are properly applied to those vehicles that require them.

- (6) Determining whether HM is properly loaded, blocked, and braced on vehicles. Determining whether the proper separation and segregation of HM is followed. Observing shipments of poisons to determine whether they are loaded with foodstuffs [be careful of the exception in § 177.841(e)].
- (7) Inspecting vehicles on the "ready line" for placarding and shipping paper violations. If the carrier has shipments ready for transportation, checking for proper specification packaging and marking, and determining whether the package is specified for the HM.
- (8) If the motor carrier operates cargo tank vehicles, determining whether its cargo tanks are properly equipped, marked, maintained, repaired, retested, placarded, and have metal certification plates affixed; and determining whether its cargo tanks are inspected and the related records are maintained.

8. OIL SPILL PREVENTION AND RESPONSE PLANS

- a. If the motor carrier transports petroleum oil in packages having a capacity of 3,500 gallons or more, request to examine the motor carrier's written oil spill prevention and response plan. Verify whether the plan meets the requirements in 49 CFR § 130.31.